

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - -	X	
UNITED STATES OF AMERICA	:	
	:	
-v.-	:	
	:	06 Cr. 1179 (RJH)
ALEKSANDER LIPKIN et al.,	:	
	:	
Defendants.	:	
	:	
- - - - -	X	

SUPPLEMENTAL SENTENCING MEMORANDUM CONCERNING RESTITUTION

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Acting United States Attorney for
the Southern District of New York
Attorney for the United States
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U.S. Department of Justice

*United States Attorney
Southern District of New York*

*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

June 12, 2009

BY ECF AND FACSIMILE

The Honorable Richard J. Holwell
United States District Judge
Southern District of New York
United States Courthouse
500 Pearl Street
New York, New York 10007
Fax: 212-805-7948

**Re: United States v. Alex Lipkin, et al.
06 Cr. 1179 (RJH)**

Dear Judge Holwell:

The Government respectfully submits this letter in response to the Court's inquiries regarding restitution at the recent sentencing hearings and the request of Impac Funding Corp contained in a letter dated May 29, 2009. As set forth below, the amount of restitution to be paid by the defendants convicted of Count One of the above-referenced indictment should include the losses suffered by Impac Funding.

In the Government's submission of May 15, 2009, the Government respectfully requested that the Court order the defendants to pay, jointly and severally, restitution in the amount of \$11,601,593.80.

Since that date, Impac Funding has submitted a letter documenting that it has also suffered losses in the amount of \$676,171.13 as a result of the defendants' participation in the mortgage fraud conspiracy.

Accordingly, defendants Alex Lipkin, Garri Zhigun, Marina Dubin, Igor Mishelevich, Igor Buzakher, Joseph Paperny, Carl Carr, John Gelin, Franswa Ligon, and Daniel Mikhlin should

Hon. Richard J. Holwell
May 15, 2009
page 2

be ordered to pay restitution, jointly and severally, in the total amount of \$12,277,764.93.¹

The restitution should be paid to the victims as follows:

National City Bank	\$ 9,113,622.27
First National Bank	\$ 428,263.18
Flagstar Bank	\$ 1,800,000.00
The 243 West 98 th Street Condominium	\$ 259,708.35
Impac Funding Corp.	\$ 676,171.13

The Government will provide the address for payment to the victims to Probation and the Court at a later date.

If any of the defendants wish to challenge the proposed restitution amounts, the Court may set a date for final determination of the victim's losses up to 90 days after sentencing, pursuant to 18 U.S.C. § 3664(d)(5).

Respectfully submitted,

LEV L. DASSIN
Acting United States Attorney

By: /s/ Jonathan B. New
Jonathan B. New
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cc: All Counsel (by ECF)
Brendan Zahner, Esq. (by Fax)

¹ To the extent that the Court has already entered a restitution order with respect to any of these defendants, the Government respectfully requests that the Court consider Impac's request as a petition to amend the restitution order pursuant to 18 U.S.C. § 3664 (d)(5) (allowing Court to grant such petition upon showing of good cause within 60 days of discovery of additional losses).